IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.208 OF 2000

All India Telecom Employees Union ....Petitioners

Versus

Mahanagar Telephone Nigam Ltd. & Ors. ....Respondents

None for the Petitioners.
Ms.Lata Desai for Respondent No.2.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 14TH JUNE, 2005.

P.C. :

The Petitioners have prayed for a declaration that the persons mentioned in Exhibit "A" to the Petition are the employees of Respondent No.1 ; for a Writ of Mandamus directing Respondent No.1 to treat such employees as their regular employees with effect from their respective dates of joining and to give them the privileges,

status and all other benefits of regular employees and for a Writ of Mandamus directing Respondent No.2 i.e. - The Security Guards Board for Greater Bombay and Thane not to withdraw such employees from the establishment of Respondent No.1.

2. The persons mentioned in Exhibit “A” to the Petition were allotted by Respondent No.2 which is a statutory board established by the Government of Maharashtra under Section 6 of the Maharashtra Private Security Guard (Regulation of Employment & Welfare) Act, 1981. According to the Petitioners, the said persons have been working with Respondent No.1 continuously from the date of their joining. They are designated as security guards or security supervisors.

3. Respondent No.1 has been prohibited from employing contract labour for watch and ward duties since 1977. However, admittedly, the said persons have been allotted by Respondent No.2 Board to the Petition. Prima-facie, it appears that the allotment is in conformity with the provisions of the said Act. The very least that can be said is that this is not a case where it can be said with any degree of certainty that the said persons are actually the employees of

Respondent No.1.

4. The questions raised in this Petition are covered by a judgment of a Division Bench of this Court of which one of us (S.J. Vazifdar, J.) was a party in the case of - *International Airports Authority Employees Union v. International Airports of India and others, 2002-III-LLJ 277.* The issues raised in this Petition have been answered against the Petitioner in the said Petition.

5. In the circumstances, the Petition is dismissed. However, there shall be no order as to costs.

CHIEF JUSTICE

S.J. VAZIFDAR, J.